extent of saying that on case to case basis depending on the rehabilitation package formulated by the workers concerned or the management or the BIFR, they can even consider on the basis of merit, writing off the past liabilities due to the Government. We are willing to help to that extent. Thirdly, even if a unit has already been referred to the BIFR before the BIFR has come to a final conclusion, if workers and the management could formulate jointly a rehabilitation package, there is no 'oar for withdrawing the case from the BIFR. That unit can go ahead with the rehabilitation package which they have jointly formulated. Therefore, it is not correct that once a unit has been referred to the BIFR, there is no other route. There are other route available. Of course, the Goswami Committee has made certain recommendations about the functioning of the BIFR. They have also commented that although it is a quasi-judicial procedure which they are following but matters are being delayed too long. Therefore. the functioning of the BIFR needs to be looked into. That matter is before the Government.

Joint sampling by SEBs and Coal authorities

*364. SHRI SOM PAL; †
SHRI CHTMANBHAI MEHTA:

Will the Minister of COAL be pleased to state:

(a) whether it is a fact that in the meeting held bv Secretary, Programme Implementation on 12th June, 1991 it was decided that joint sampling of coal by SEBs &Coal authorities at Thermal Power Stations would be continued.

(b) whether it is also a fact that in the said meeting representatives of Department of Coal and Central Electricity Authority were present;

†The Question was actually asked on the floor of the House by Shri Som Pal.

(c) whether the aforesaid joint decision is violated by Coal India Ltd. and now CIL has shifted the location of joint sampling at loading end;

(d) whether it is a fact that several SEBs including Gujarat Electricity Board has protested against this unilateral change, if so, what is the response of his Ministry to this change and protest;

(e) whether it is also a fact that coal received from collieries at TPs is not as per notified grades and there is a slippage in the grades of coal by one or two grades; and

(f) what are the reasons for doing away with the exercise of joint sampling at Thermal Power Stations?

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRI AJIT KUMAR PANJA) (a) to (f) A statement is laid on the Table of the House.

Statement

(a) and (b) Yes, Sir. In the meeting taken by Secretary, Programme Implementation on 12th June, 1991, which was attended by the representatives of Ministries of Power, Railways, Coal, CEA etc. if was decided to maintain the status quo of joint sampling at the power house end at the colliery and in accordance with the prevalent practice.

(c) No, Sir. In a subsequent development, the Standing Committee of Secretaries in their meeting held on 15.10.1991 decided that all quality inspections should be done at the colliery end before despatch and not at the consumers end after despatch. Further an independent Third Party Inspection Agency for quality assurance for coal should be established preferably through the Coal Controller's Organisation on a self-financing basis. Tn accordance with this decision Coal India Ltd. have shifted the sampling to the loading end.

(d) Some power bouses including Gujarat Electricity Board have objected to the shifting of sampling to the loading end. The Ministry is of the view that the Committee of Secretaries have taken a decision after considering all aspects of the case and it should be implemented by all concerned.

(e) Complaints regarding grade slippages in coal supplied to power houses are being referred to the Coal Controller for remedial action. The complaints are investigated by the Coal Controller and he is empowered to take necessary action including down grading of the offending collieries.

(f) Coal Companies are responsi ble for supply of correct quality and quantity of coal at the pit heads. This is also the point where the pro perty in coal is transferred to the consumers or their transport agents. The quality and quantity of coal sup plies have to be verified by the con sumers at the point where he or his agent takes possession and any dis crepancy regarding weight and qua lity has to be sorted out on that basis. That legal responsibility of supplier ceases as soon as the pro perty is transferred. This is also the position under Sales of Goods Act, 1930.

SHRI SOM PAL: Madam Deputy Chairman, this was a very straight question and the reply given by Minister is full of contradictions. There is contradiction within the answer and also there is serious contradiction between the answer supplied in Hindi and English. In para 2 of the English answer, the Minister says "In a subsequent development the Standing Committee of Secretaries in their meeting held on 15th October decided that the decision taken on 12th June, 1991 be changed." This exactly was my question. I knew that the decision was changed. But I wanted to know the reasons, the rationale thereof. What was the consideration that propelled the Government to change the decision? There are repeated complaints from all the State Electricity Board and power-houses that defective coal *is* being supplied and this was not only hampering generation but was also damaging the power generation equipment and the coal handling equipment. It is taking a heavy toll of the equipment. This is one of the reasons for their losses. A decision was taken that a joint sampling team will take samples at the point of delivery of coal. But this was changed for reasons best known to the Minister. The answer leads nowhere. So, I would like to know from the Minister what were the considerations that propelled him to change the decision taken four mon ths before and what changes have taken place in between. In such a short period you reverse a decision without any reason.

T would also like to know about the casual manner in which the answer in Hindi has been dealt with. What are the reasons? This is because of the casual attitude of the Ministry and the officials. They did not give the material date which they supplied in English.

SHRI AJIT KUMAR PANJA: So far as questions 'a' and 'b' are concerned, the answer has been given. So far as question 'f' is concerned, reasons have been given. Probably the hon. Member has not seen it Question *f* was, 'what are the reasons for doling away with the exercise of joint sampling at Thermal Power Stations?' The reasons given are at 'f in the answer. I did not repeat it. All the points are given. So far as the general complaint is concerned, I wanted to examine myself the position as regards the report given by the coal companies. I found from intrinsic evidence while trying to examine the matter from an absolutely independent view point-that

the specific coal consumption figure all over India—I can quote certain figures—the plant load factor all over India and production of power, is increasing. It was 53.9 in 1991. It has gone up 57.1 in 1992-93. There is six per cent increase within a span of two years. Then I wanted to see from a different angle whether the report given by the coal companies is borrect. 'Ifound that specific consumption remained constant—72, 72 and 73. It is almost constant. But the plant load factor has incre ased. Then I wanted to check from other intrinsic evidences what the oil consumption is. The hon. Members know that oil consumption goes down if proper quality of coal is supplied. It goes up if the qua-lily of coal goes down. Madam, I found that in 1990-91, specific oil consumption was 7.69. -. *(Interrup tions)* ... Therefore, consumption of specific oil has gone down toy 16 per cent. Taking all these into consi deration, it appears that the report of the CIL which was given to the Government saying that proper qua lity and quantity of coal being given was not incorrect. Madam, even then, various steps are being taken. The Government is keeping a watch over the coal handling plants being made and the weigh-bridges being made. And I do not find any. contradiction in the Hindi an English versions. Nothing has been pointed out. Unless it is pointed out:..

SHRI SOM PAL: I have pointed cut a missing date in the Hindi version. It is very clear that ne has not noticed such an important thing.

SHRI AJIT KUMAR PANJA: The missing date is 15th October in the Hindi version of the reply to *(c)* of the questions. I am sorry, I have not got the Hindi version. I will certain-ly have it corrected.

SHRI SOM PAL: Madam, the reasons given by the hon. Minister in his reply on the floor as well as in the written answer are only technical and legal ones. He has not mentioned about the basic objectvie of the decision taken on 12th June, 1991, wherein the representatives of the Ministries of Power, Railways Coal and Central Electricity Authority took part. And when he says that the consmupfion of coal has been constant and the consumption of oil also has been constant, it only proves that the quality which was, all through, defective, remains consis-consumption remains the same. The consumption remains th esame. The reasons for improvement in power load factor are different. I do agree that some improvement has taken place but it is because of the increased efficiency of the staff and other things, for which I thank and congratulate him, but it is not because of the improvement in the quality of coal because if he quality of coal had improved, then the oil consumption would have gone down. There is no sign of its going down. Secondly, he says that the Ministry has now ensured that all the parties concerned will monitor the quality and then he says that they have derided to create a third agency under Coal India which would be a self-financing one but he has not mentioned about its modalities. We always loow after the consumers' interest. Here, a Government-company supplying to another Government Board are nor caring for quality at the delivery point. It is as if when quality is checked at. say, ex-factory, and if in the midstream or in the mid-way or in the mid-period, admixture has been done, they wouldn't care for that. And since it is a seller's market, where is the protection for the buyer, that is, the Electricity Board?

THE DEPUTY CHAIRMAN: Let him have some time to answer.

SHRI SOM PAL: Madam, he has not answered this.

THE DEPUTY CHAIRMAN: Everything will be burnt out at 12 o' clock.

SHRI SOM PAL: I would like to know as to how he would ensure that the Consumer Electricity Boards of the States are provided with good quality coal, which, all through, has been defective? The Ministry has spelled out that the figures have remained constant. What are the specific steps that he is taking and why has he not adhered to the decision of taking a joint sampling at the delivery point?

SHRI AJIT KUMAR PANJA; The reasons have already been given. But since the hon. Member is insisting to know about them, I would like to say that an Act was passed by Parliament, namely, the Sale of Goods Act, under which the property passes to the buyer when it is specifically sold. Now, at the loading point, that is, at the pithead, if after checking, it is found that the coal is not of proper quality, immediately the buyer can ask for the change of coal. In fact, this has been happening. But, if coal is carried from a particular colliery to a thermal power station, which may be 100 kms. or 200 kms. away, and at the thermal power station, it is examined and found that it is not of good quality, two things happen: One is, the coal is not taken delivery of; second is, the 20-rake train is detained there for about two to three or even four days and, because of this, the next train bringing in ordered quality coal is also affected. On 12th June, 1991, no decision was taken. It was said that you can check it either at the thermal power station or at the pit-head. Then, it was re-examined and a proper decision taken on 15th October, 1991, where the Committee decided that since under the Sale of Goods Act, the property passes soon after coal was delivered, the joint sampling could be done at the pit-head and *not* at the thermal power station.

THE DEPUTY CHAIRMAN: Question Hour is over.

WRITTEN ANSWERS TO QUESTIONS

Cases under essential Commodities Act

*365. SHRI R AMD AS AGARWAL: Will the Minister of CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION foe pleased to state:

(a) what was the number of raids conducted/persons arrested I prosecuted konvicted lvalue of goods confiscated during 1992-93 up to 31st March, 1993 as compared to previous vear under the Essential Commodities Act, 1955 as a result of enforcement measures taken by States/Union Territories 'under the Said Act;

(b) what is the number of persons who were detained under the Prevention of Black-marketing and Maintenance of Supplies of Essential Commodities Act, 1980 so far during 1993-94 as compared to 1992-93; and

(c) the number of meetings held so far between the Central and State Government officials to improve the situation and take stringent measures against persons whose activities were found to be prejudicial to the maintenance of supplies of commodities essential to community particularly to flood stricken people recently?

THE MINISTER OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION (SHRI A. K. ANTONY): (a) to (c) Details regarding raids conducted, persons arrested, prosecuted, convicted and value of goods confiscated in 1991, 1992 and 1993 (till 31-7-93) under the Essential Commodities Act, 1955 and the